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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,516	07/27/2006	Koji Nakata	89191.0015	2228

26021 7590 12/17/2009

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EXAMINER	
AJIBADE AKONAI, OLUMIDE	
ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
12/17/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/597,516	NAKATA, KOJI	
	Examiner	Art Unit	
	OLUMIDE T. AJIBADE AKONAI	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-5* is/are rejected.

7)☒ Claim(s) *2 and 6-8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/10/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 25 2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 7 and 8 are objected to because of the following informalities:

Regarding **claim 7**, on line 5, insert a colon, ":", after "comprises".

Regarding **claim 8**, on lines 5, delete the colon ":" after "device" and replace with a semicolon ";", and on line 8, insert "a" between "makes" and "storing". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chen et al 7,039,028** (**hereinafter Chen**) in view of **De Oliveira 6,763,004**.

Regarding **claim 1**, Chen discloses a mobile body communication system, comprising: a subnet with a plurality of base station devices (iBS 1 and 2, see fig. 2, col. 6, lines 38-50, col. 6, line 65 - col. 7, line 1), wherein one of the base station devices is configured to receive a position registration request signal transmitted from a mobile station device (MS, see 104, see figs. 2 and 8, col. 6, line 50) and to communicate with a network (MS transmits a request to associate message to the base station and communicates in the subnet of the base station based on the request, see fig. 8, col. 9, lines 48-53, col. 12, lines 14-44), and the mobile station device is configured to communicate with an other communication device via one of the base station devices and said network (sending a packet to a destination MS, see col. 8, lines 42-59).

Chen does not specifically disclose a simultaneous call means for transmitting a call signal to a broadcast address corresponding to said subnet when calling the mobile station device.

De Oliveira however discloses, in a wireless network (10, see fig. 1, col. 3, lines 6-8) comprising at least a location area/service area (10, see fig. 1, col. 3, lines 6-8), a simultaneous call means (MSC 11 with IP broadcast mechanism 29, see fig. 1, col. 3., lines 38-42) for transmitting a call signal to a broadcast address corresponding to said location area/service area when calling a mobile station device (MSC 11 transmits a page message to a broadcast address so that every base station receives the page message and pages a mobile station device in its location area, LA, the page message being used to tell the mobile station device that there is an incoming call, see col. 1, lines 65-67, col. 2, lines 1-6, col. 2, 58-59, col. 3, lines 22-30 and 38-64), and thereby transmits the signal to the plurality of base stations (MSC 11 transmits a page message to a broadcast address so that every base station receives the page message see col. 2, lines 1-6, col. 2, 58-59, col. 3, lines 22-30, col. 4, lines 15-44).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of De Oliveira, by transmitting paging messages to a broadcast address into the system of Chen for the benefit of reducing signaling in a network by reducing the number of paging messages that are transmitted to a base stations.

Regarding **claim 3** as applied to claims 1 or 2, Chen as modified by De Oliveira disclose the claimed limitation. Chen further discloses the one base station device for use in the mobile body in the mobile communication system comprising protocol exchange means for exchanging a communication protocol for use in an IP network and

a communication protocol for use in a radio zone with each other (see fig. 7, col. 11, lines 39-60).

Regarding **claim 4** as applied to claims 1 or 2, Chen as modified by De Oliveira disclose the claimed limitation. Chen further discloses, wherein said one base station device, comprising protocol exchange means for exchanging a communication protocol for use in an IP network and a communication protocol for use in a radio zone with each other (see fig. 7, col. 11, lines 39-60).

Regarding **claim 5**, Chen discloses a mobile body communication method enabling a programmed computer to carry out mobile body communication, said method comprising the steps of: forming a subnet having an address with a plurality of base station devices (iBS 1 and 2, see fig. 2, col. 6, lines 38-50, col. 6, line 65 - col. 7, line 1), wherein one of the base station devices receives a position registration request signal transmitted from a mobile station device and communicates with a network (MS transmits a request to associate message to the base station and communicates in the subnet of the base station based on the request, see fig. 8, col. 9, lines 48-53, col. 12, lines 14-44), and the mobile station device communicates with an other communication device via one of the base station devices and said network (sending a packet to a destination MS, see col. 8, lines 42-59).

Chen does not specifically disclose transmitting a call signal to the broadcast address corresponding to the address of said subnet when making a call to the mobile station device, and thereby transmits the signal to the plurality of base station devices.

De Oliveira however discloses, in a wireless network (10, see fig. 1, col. 3, lines 6-8) comprising at least a location area/service area (10, see fig. 1, col. 3, lines 6-8), a simultaneous call means (MSC 11 with IP broadcast mechanism 29, see fig. 1, col. 3., lines 38-42) for transmitting a call signal to a broadcast address corresponding to said location area/service area when calling a mobile station device (MSC 11 transmits a page message to a broadcast address so that every base station receives the page message and pages a mobile station device in its location area, LA, the page message being used to tell the mobile station device that there is an incoming call, see col. 1, lines 65-67, col. 2, lines 1-6, col. 2, 58-59, col. 3, lines 22-30 and 38-64), and thereby transmits the signal to the plurality of base stations (MSC 11 transmits a page message to a broadcast address so that every base station receives the page message see col. 2, lines 1-6, col. 2, 58-59, col. 3, lines 22-30, col. 4, lines 15-44).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of De Oliveira, by transmitting paging messages to a broadcast address into the system of Chen for the benefit of reducing signaling in a network by reducing the number of paging messages that are transmitted to a base stations.

Allowable Subject Matter

6. Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murphy 6,754,224 discloses a method and apparatus for multicast call signaling in packet network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617